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Kazumasa Ikushima

062005

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38834

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07/27/2009

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EXAMINER

LEGESSE, HENOK D

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 2861

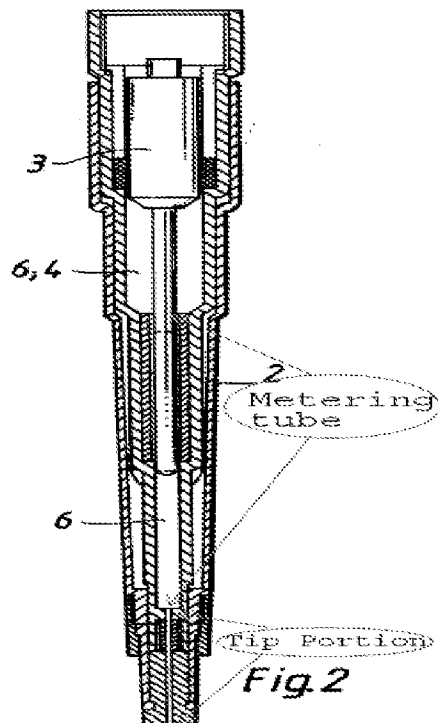
Continuation of 11. does NOT place the application in condition for allowance because:

Response to Arguments

1. Applicant's arguments filed 07/08/2009 have been fully considered but they are not persuasive.

Applicant argued that Suovaniemi et al. ('769) fails to teach a metering tube having a columnar internal space formed substantially the same diameter.

However, in Suovaniemi et al. ('769) the metering tube (as shown in the figure/fig.2 below) is the portion of 6 where plunger 4 closely fit in figure below/fig.2 have a columnar internal space formed substantially the same diameter. The Tip portion is the portion having a tapering shape. Suovaniemi (WO 91/16977) also teaches metering tube (1 in fig.1).



Applicant further argued that in the references Suovaniemi et al ('769) and Suovaniemi (WO 91/16977) the operation of stopping the plunger includes i) deceleration and ii) sudden braking. Thus, Suovaniemi et al ('769) and Suovaniemi (WO 91/16977) failed to teach the limitations: wherein the speed of the plunger from a start of a deceleration to a stop of the plunger is controlled during the steps of moving forward and stopping the plunger such that the first droplet and the second droplet are of the same quantity.

However, the limitation stated above or the limitations in at least in the independent claims do not state/claim the exclusion of the braking operation in the process of stopping the plunger from a start of a deceleration to a stop of the plunger. That is the limitations at least in the claimed independent claims do not require the operation of the stopping operation of the plunger to include only a deceleration operation from the start of the deceleration to the stopping of the plunger. Thus, even though the applicant argued that Suovaniemi et al ('769) and Suovaniemi (WO 91/16977) teaches stopping the plunger includes i) deceleration and ii) sudden braking. Still the references teaches the limitation; wherein the speed of the plunger (4 of Suovaniemi et al '769; 2 Suovaniemi et al '977) from a start of a deceleration to a stop of the plunger (4,2) is controlled during the steps of moving forward and stopping the plunger such that the first droplet and the second droplet are of the same quantity (in Suovaniemi et al ('977), 1-6 in fig.4 are identical which means the ejection drops are equal).

Applicant is reminded that in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the exclusion of the suddenly braking in stopping operation of the plunger) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant is further reminded that in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENOK LEGESSE whose telephone number is (571)270-1615. The examiner can normally be reached on Mon.- Fri. Between. 8:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW LUU can be reached on (571)272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2861

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW LUU/
Supervisory Patent Examiner, Art Unit 2861

H.L.
July 23, 2009